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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/383,802	08/26/1999	DONG HO CHO	678-346(P887	7058

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EXAMINER

CORSARO, NICK

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 04/23/2004

19

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/383,802

Applicant(s)

CHO ET AL.

Examiner

Nick Corsaro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11 and 14-20 is/are allowed.
- 6) ☒ Claim(s) 12 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO AMENDMENT

Response to Arguments

1. Applicant's arguments filed 03/11/2004 have been fully considered but they are not persuasive.

The Applicant argues that the cited reference Papadopoulos, does not disclose the limitations of claim 12, namely, "Assigning a packet voice channel, releasing the assigned packet voice channel, and re-assigning the packet voice channel". However, the Examiner disagrees as follows:

Papadopoulos is discussing a mobile communication system, and in particular a mobile communication system wherein packets of information that may include voice, video or data information are transmitted on channels. In particular, Papadopoulos discusses that a terminal wishing to send a packet, request a time slot, i.e. channel from a pool of vacant channels, the time slot (channel) is assigned, the terminal transmits the packet, and the time slot (channel) is released back to the pool. Whereupon when the terminal wishes to transmit again the same process is repeated, as shown in the flow chart of figure 5 and figure 13. Therefore, regarding to the argued features:

1) Papadopoulos discusses (col. 5 lines 40-58, col. 15 lines 3-25) that "when the mobile terminal enters the active state, i.e., when the user speaks, the terminal sends a request for the time slot (channel), then the terminal transmits on the time slot, whereupon when the transmission is complete the channel is placed back in the pool, where Papadopoulos has made clear (col. 6 lines 6-35) that the information is voice packets. Then from the passages cited in the prior action, flow charts figure 5, and figure 13, it can be seen that Papadopoulos discloses the

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limitations of “Assigning a packet voice channel, releasing the assigned packet voice channel”.

To further clarify, the Examiner explains that the definition of channel in a time-multiplexed system is a time slot.

2) As for the limitation of “re-assigning the packet voice channel”, such a limitation is not recited in claim 12, therefore, the applicants argument is moot. However, for the sake of completeness of thought, Papadopoulos, in the passages cited in the last office action, and as further clarified in flowcharts of figure 5, and figure 13, is discussing assigning a time slot, i.e. channel from a pool of timeslots for the duration of a packet transmission when a terminal becomes active via a user speaking. When the user is finished transmitting, the timeslot is returned to the pool, and as shown in the flow chart of figure 13, when the terminal becomes active again the same or a different channel is assigned. Therefore, Papadopoulos does show releasing the packet channel and reassigning a packet channel upon voice activity. Therefore, if the argued limitation of “re-assigning the packet voice channel” is in the claim the limitation is written vague and therefore, reads upon Papadopoulos.

3) Claim 12 does recite a feature of “When a packet voice channel is assigned”. However, the feature of “When a packet voice channel is assigned” does not define a feature of “re-assigning the packet voice channel”, because within the context of the claim “re-assigning the packet voice channel”, means reassigning the same channel that was just released, whereas, the feature of “When a packet voice channel is assigned”, means any packet voice channel, not necessarily the previously assigned channel. From the above discussion and the previous office action, it can be seen that Papadopoulos does recite the feature of “When a packet voice channel is assigned”.

The applicant further argues that the feature of “assigning, releasing, and reassigning the channel based on the existence or nonexistence of voice data ” distinguishes the claim over Papadopoulos, however, the examiner disagrees because as discussed above, Papadopoulos does show that upon the existence or nonexistence of voice data a channel is assigned then released, and a channel is reassigned if again voice data exists, and as stated above the limitation of “reassigning the channel based on the existence or nonexistence of voice data” is not in the claim.

Therefore, the Examiner contends that Papadopoulos shows the features of claim 12, and therefore, claim 12 is not in condition for allowance and the rejection of claim 12 stands as cited in the last office action, and re-cited below. Further since claims 13 depends from claim 12, claim 13 stands as dependent upon a rejected base claim.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Papadopoulos et al. (5,602,836).

Consider claim 12, Papadopoulos teaches a packet based voice communication method in a mobile communication system (see col. 3 lines 40-49, col. 8 lines 50-60, col. 1 lines 47-60, col. 2 lines 47-60, col. 6 lines 44-50, and col. 15 lines 3-67). Papadopoulos teaches assigning a packet voice channel upon generation of voice data, entering an active state, and transmitting

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packetized voice data on said packet voice channel (see col. 8 lines 50-60, col. 5 lines 43-67, col. 6 lines 1-35, col. 5 lines 27-42, col. 2 lines 47-58 and col. 15 lines 3-67). Papadopoulos teaches releasing the assigned packet voice channel when there is no voice data to be transmitted for a predetermined time period, and entering an inactive state (see col. 8 lines 50-60, col. 5 lines 67, and col. 6 lines 1-35, where Papadopoulos discusses that upon speech activity a channel, i.e., time slot is assigned and used, then released after a cycle of speech inactivity). Papadopoulos teaches re-entering the packet channel voice channel active state from the inactive state when a packet voice channel is assigned to transmit newly generated voice data (see col. 8 lines 50-60, col. 5 lines 26-67, col. 6 lines 1-35, and col. 15 lines 3-67, where Papadopoulos discusses that a packet channel is assigned each time voice activity is detected).

Allowable Subject Matter

4. Claims 1-11 and 14-20 are allowed.
5. Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication should be directed to Nick Corsaro at telephone number (703) 306-5616.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung, can be reached at (703) 308-7745. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth, Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 customer Service Office whose telephone number is (703) 306-0377.

Nick Corsaro

Primary Examiner


NICK CORSARO
PATENT EXAMINER